**IN THE HIGH COURT OF JUDIATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.9508 OF 2004**

Omprakash D.Singh .. Petitioner.
Vs.
State of Maharashtra & Ors. .. Respondents.

ALONGWITH

**WRIT PETITION NO.9509 OF 2004**

Kamlakar Naik .. Petitioner.
Vs.
State of Maharashtra & Ors. .. Respondents.

Ms.Nandini Gupte i/b M/s.M.P.Vashi for the petitioners.
Mr.A.H.Palekar AGP for the respondent-State.
Mr.Anil Mishra for respondent no.3.

**CORAM : D.B.BHOSALE, J.**

**DATED : 6TH DECEMBER, 2004**

P.C.:

. Heard learned counsel for the parties.

2. Rule, returnable forthwith.

3. Mr.Palekar, learned A.G.P. waives service for the respondent-State and Mr.Mishra, learned counsel waives service for respondent no.3. By consent of the parties taken up for final hearing.

4. The learned counsel for the parties have fairly stated that the reasons need not be recorded

for disposing of these petitions. The petitioners have filed undertaking. The undertaking are taken on record and marked "X-I" and "X-II" for identification. The undertakings are accepted. In view of the undertakings given by the petitioners in both the petitions the learned counsel for the parties have agreed for the following order:

(a) Respondent no.3 in both the writ petitions agrees and undertake to provide transit accomodation to the petitioners within a period of one week from today.

(b) The petitioners are directed to vacate the suit premises and shift to the transit accomodation provided by respondent no.3 within one week therefrom and handover possession of the suit premises to respondent no.3 for the purpose of development under Slum Rehabilation Scheme.

(c) By consent the delay in filing Appeals being Slum-251/04 and Slum-252/04 before respondent no.4 stands condoned.

(d) Respondent No.4 i.e. the Administrative and Divisional Commissioner, Konkan Bhavan, Mumbai

to entertain Appeals being Slum-251/04 and Slum-252/04 filed by the petitioners on merits in accordance with law as expeditiously as possible and preferrably within a period of four months from the date of receipt of this order.

(e) The petitioners shall vacate and handover possession of the transit accomodation to respondent no.3 if the orders in the appeal are adverse to the petitioners within a period of two months from the date of the order passed in appeal nos.251/04 and 252/04. However, if the petitioner succeeds in the appeals and held to be eligible for permanent alternate accomodation in the slum rehabilation scheme, the respondents shall provide accomodation in the scheme to the petitioners in accordance with law and until then the petitioners are entitled to remain in possession of the transit accomodation provided by respondent no.3.

(f) The petitioners shall communicate this order to respondent no.4 within one week from today.

. Rule is disposed of in the aforesaid terms.

. The writ petitions are disposed of.

(D.B.Bhosale, J.)